

**194A.722 Violations of standards and requirements are citations or deficiencies --  
Limitation on civil monetary penalties -- Direction of fines to nursing incentive  
scholarship fund.**

- (1) Violations of the administrative regulations, standards, and requirements set forth by the cabinet pursuant to KRS 194A.707 and the applicable provisions of KRS 216.515 to 216.525, 216.537 to 216.573, 216.590, and 216.765 shall be cited and referred to as citations or deficiencies and shall not be subject to or be categorized as Type A or Type B violations.
- (2) When an assisted living community self-reports to the cabinet facts or an event that constitute a violation of the administrative regulations, standards, and requirements set forth by the cabinet pursuant to KRS 194A.707 and the applicable provisions of KRS 216.515 to 216.525, 216.537 to 216.573, 216.590, and 216.765, the violation shall be shown on all related documents as having been reported to the cabinet by the assisted living community, and shall not be deemed a complaint.
- (3) Violations of the administrative regulations, standards, and requirements set forth by the cabinet shall present a direct or immediate relationship to the health, safety, or security of any resident.
- (4) A citation for a violation shall specify the time within which the violation is required to be corrected as approved or determined by the cabinet. If a violation is corrected within the time specified, no civil penalty shall be imposed.
- (5) Civil monetary penalties for violations of the administrative regulations, standards, and requirements set forth by the cabinet shall not be assessed in excess of five hundred dollars (\$500) for each distinct violation. Civil monetary penalties shall not be assessed unless imminent danger to a resident is present that creates substantial risk of death or serious mental or physical harm.
- (6) In determining the amount of any civil monetary penalty to be imposed under this subsection, the cabinet shall consider at least the following:
  - (a) The gravity of the violation, the severity of the actual harm, and the extent to which the provisions of the applicable statutes or administrative regulations were violated;
  - (b) The reasonable diligence exercised by the licensee and efforts to correct violations;
  - (c) The number and type of previous violations committed by the licensee; and
  - (d) The amount of the imposed penalty necessary to ensure immediate and continued compliance.
- (7) An assisted living community that is assessed a civil monetary penalty shall have the amount of the penalty reduced by the dollar amount that the facility can verify was used to correct the deficiency if the condition resulting in the deficiency citation existed for less than thirty (30) days prior to the date of the citation.
- (8) All administrative fines collected by the cabinet pursuant to KRS 194A.700 to 194A.729 shall be deposited in the Kentucky nursing incentive scholarship fund created pursuant to KRS 314.025.

**Effective:** July 14, 2022

**History:** Created 2022 Ky. Acts ch. 20, sec. 24, effective July 14, 2022.